REPORTING AND INVESTIGATING

ALLEGATIONS OF ABUSE AND NEGLECT

A PROTOCOL FOR STAFF
WORKING IN

REGULATED EARLY CHILDHOOD CARE SETTINGS

AND

CHILD WELFARE AGENCIES

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PREAMBLE:

The early childhood care practitioner is in a unique position to identify and report suspicions of child abuse. When placed in this most difficult position, it is particularly critical that child care practitioners have a solid understanding of the elements related to child abuse: the definition; legal and professional responsibilities; the possible indicators of abuse; and the reporting procedures.

The following protocol is intended to provide early childhood care practitioners with the information they will need in order to effectively respond and proceed when faced with a suspicion or allegation of child abuse. This protocol is intended for use by all regulated child care centres, including family home day cares in Nova Scotia. This document was written in consultation with representatives from the Nova Scotia Department of Community Services and the child care community.

The primary purpose of this document is to establish a set of standardized practice procedures for the use of Child Welfare Agencies, child care practitioners and Department of Community Services officials in the reporting and investigation of allegations when there are reasonable grounds to suspect a child may be abused or neglected. The focus of the document is on allegations involving child abuse victims who are under sixteen years of age.

The second purpose of this protocol is to help child care practitioners understand what to report, when to report, the reporting process (i.e., who reports), and the steps to take once a report is made.

The third purpose is to help child care practitioners understand the roles and responsibilities of the Child Welfare Agencies, the police, and child care staff when an allegation that a child is in need of protective services, or has been abused, is made.

The final purpose is to encourage child care centres to develop appropriate personnel and child abuse policies, procedures and in-service training opportunities for their staff.

This protocol will complement formal training in the area of the prevention of child abuse. Procedures are only effective if they are understood and followed. Early childhood care practitioners have the special responsibility of ensuring, as much as is possible, that children in their care are free from harm. Through professional development activities related to behaviour guidance and abuse, early childhood care practitioners can contribute in a positive, preventative way to the well-being of all children.

GENERAL PRINCIPLES:

1. Children have a right to be protected from abuse and neglect.

2. Children should be cared for, as nearly as possible, as if they were under the care and protection of loving, wise and conscientious parents.

3. Children have a right to be heard, supported and informed.

4. As a society, we have a collective responsibility for the safety and well-being of all children.

5. Early childhood care practitioners, as professionals who are dedicated to the well-being of children, play a very important role in young children's lives. Part of their responsibility is to protect children in their care from abuse and neglect.

6. Everyone working with children should have a sound general knowledge of protocols and procedures related to abuse investigations. It is the professional's responsibility as people working with children to know about child abuse, to be able to recognize the behavioural as well as the physical indicators of abuse, to know how to recognize children's attempts to disclose and to know how to identify children at risk and to provide them with appropriate support.

7. The investigative team should have extensive experience and training in handling abuse allegations in the context of child development.

8. The investigation should occur as quickly as possible, keeping in mind the priority level of the risk management response times.

9. Any investigation will provide for a fair and objective assessment of the allegation.

10. The confidential nature of abuse investigation will be respected and upheld at all times.

DEFINITIONS

For the purposes of this document:

Child means a person under sixteen (16) years of age.

Child Abuse means a child is in need of protective services pursuant to Section 22(2)(a), (c), (e), (f), (h), (i), or (j) of the "Children and Family Services Act" **OR** has been physically, sexually or emotionally abused pursuant to Section 25(1)(a), (b), (c). Please refer to Page 8 for the definition of a child in need of protective services and Page 4 for the definition of reportable abuse, physical, sexual or emotional, pursuant to Section 25(2) of the "Children and Family Services Act".

Child Care Director is the person, or his/her delegate, who coordinates the administration and service delivery of a child care centre, a family day care program, or a family home day care.

Early Childhood Care Practitioner/Child Care Practitioner means early childhood educator, child care professional, student of early childhood education, child care volunteer or family home day care provider or caregiver.

Child Care Centre refers to a licensed day care facility which includes centre-based child care and family child care agencies.

Child Welfare Agency means a child protection authority mandated under the "Children and Family Services Act" to accept and investigate allegations of child abuse/neglect. This refers to Family and Children's Services, Department of Community Services District Offices and Children's Aid Societies.

Consult is a discussion between an individual and the intake worker of a Child Welfare Agency for the purpose of determining whether or not the information they have to discuss is reportable under Section 22(2) of the Children and Family Services Act.

Early Childhood Development Services is the governing body overseeing matters related to child care in the Province of Nova Scotia.

Reporting means reporting possible cases of child abuse or neglect to a mandated Child Welfare Agency pursuant to Section 23(1), 24(2) and 25(2) of the "Children and Family Services Act".

WHAT IS REPORTABLE ABUSE AND NEGLECT?

Abuse of a child can be grouped under four main categories. In all of these categories, the abuse or neglect has happened or there is a substantial risk that it may occur.

a. Physical Abuse

Physical abuse is a deliberate non-accidental physical assault on a child that results in physical harm. Physical abuse may also result from excessive inappropriate discipline. The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks or major fractures of the long bones or skull, and in its most extreme form, the death of a child.

b. Sexual Abuse

Sexual abuse is a generic term used to describe a range of sexual activity/behaviour perpetrated towards a child (under 16 years of age), with or without the child's consent, for the sexual gratification of the other person. The abuse can occur within the family (intra familial) or outside the family (extra familial) and can be homosexual or heterosexual in nature. Examples can include instances where a child is encouraged, coerced, forced or even enticed into acts such as sexual molestation, fondling, sexual intercourse, fellatio, cunnilingus, exhibitionism, or any sexual exploitation including pornography.

c. Emotional Abuse

Emotional abuse is the most difficult type of abuse to define and identify. It may range from habitual humiliation of the child to withholding life-sustaining nurturing. If a child is told often enough that he or she is no good and will come to a bad end, he or she may come to believe it and act accordingly. Similarly, lack of nurturing (holding, cuddling, and warm verbal communication) in the early years can be very damaging. Combined with verbal abuse, it can cause a child great suffering.

The abuse is persistent or chronic on the part of the caregiver and results in some degree of emotional damage to the child, evidenced by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour. This form of abuse may occur separate from, or along with, other forms of abuse or neglect. Children with emotionally abusive parents may exhibit or react with behaviours similar to children who have been physically or sexually abused.

d. **Child Neglect**

Child neglect is a chronic and serious omission on the part of the parent/guardian that results in physical harm to the child. It does not include emotional harm. The term "chronic" demands that the neglect constitutes a pattern of conduct over a period of time. The term "serious" conveys a marked and substantial departure from the standard of care expected of a reasonable parent.

LEGISLATIVE FRAMEWORK FOR INTERVENTION:

In Nova Scotia, the Children and Family Services Act (September 1991) provides the mandate for intervention by Child Welfare Agencies. It outlines the grounds under which a child may be found to be in need of protective services, or a victim of physical, sexual, or emotional abuse, and, as well, the grounds under which a child may be taken into care.

Under the Children and Family Services Act, a "child" means a person under sixteen (16) years of age.

For the purpose of this protocol, Section 22(2), Section 23, Section 24, Section 25(1), Section 25(2), Section 33(1) and Section 33(2) provide the legal framework for agency intervention into allegations of abuse or neglect within or outside of child care settings.

WHEN TO REPORT:

Section 22 (2) of the ***Children and Family Services Act*** states that a child is in need of protective services where:

(a) the child has suffered physical harm...;

(b) there is substantial risk that the child will suffer physical harm...;

(c) the child has been sexually abused...;

(d) there is substantial risk that the child will be sexually abused...;

(e) the child requires medical attention to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, or refuses or is unavailable or is unable to consent to, the treatment...;

(f) the child has suffered emotional harm...;

(g) there is substantial risk that the child will suffer emotional harm...;

(h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development...;

(i) the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent or guardian of the child...;

(j) the child has suffered physical harm caused by chronic and serious neglect by a parent or guardian of the child...;

(ja) there is substantial risk that the child will suffer physical harm inflicted or caused as described in clause (j);

(k) the child has been abandoned, the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provisions for the child's care and custody...;

LEGAL RESPONSIBILITY TO REPORT:

Section 23 of the ***Children and Family Services Act*** for Nova Scotia states:

(1) Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.

(2) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.

(3) Every person who contravenes subsection (1) commits an offense.

Section 24 of the same Act states:

(2) Notwithstanding any other Act, every person who performs professional or official duties with respect to a child, including (b) a teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a day care facility; (d) operator or employee of a child-caring facility or child-care service; who in the course of that person's professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information upon which it is based to an agency.

Under this Act, any child care practitioner who has reasonable grounds to suspect a child may be abused or neglected has a legal obligation to report the matter to the local Child Welfare Agency. Failure to do so may constitute an offense punishable by not more than $5000 and/or imprisonment for a period not exceeding one year.

Abuse or neglect need not have already occurred for a child to be in need of protection. It is not necessary to wait until a child has been harmed to make a report. When abuse or neglect can be reasonably anticipated and there are reasonable grounds to believe a child is in need of protective services, the legal obligation to report applies. Where the alleged abuse is "third party", that is the alleged perpetrator is someone other than the child's parent or guardian (i.e. child care staff person), you must have information that the child may have suffered abuse in the past or may be currently suffering abuse. (Please see page 10 of this document.)

Where there is doubt about whether to report, consult with the intake worker at the nearest Child Welfare Agency office for assistance in decision making (see Appendix III).

It is the child care practitioner's responsibility to report suspicion or disclosure of abuse. It is not the child care practitioner's responsibility to investigate or "prove" that abuse is taking place before a report is made. A report is not an accusation; it raises the concern and is a request for an investigation.

Child care practitioners **SHALL** exercise their responsibility to report, ***prior to informing the child care director***. Where a staff person makes a report in opposition to the child care director's view, (should that come to light before or after the call to report), the staff person shall not be subjected to any negative consequences or sanctions, including:

- compensation
- tenure
- promotion
- discipline
- alienation

for reporting allegations in good faith.

The child care director shall ensure that all staff are aware of the identity of his/her delegate for the purpose of executing the roles and the responsibilities of the child care director in his/her absence **OR** where the allegations are against the child care director.

The child abuse report form found in Appendix I of this document shall be made readily available to all staff of child care centres/programs.

Section 25(1) of the ***Children and Family Services Act*** states that "abuse by a person other than a parent or guardian" means that a child

(a) has suffered physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or guardian of the child to supervise and protect the child adequately;

(b) has been sexually abused by a person other than a parent or guardian or by another person where the person, not being a parent or guardian, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(c) has suffered serious emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour, caused by the intentional conduct of a person other than a parent or guardian.

Section 25(2), Duty to report third-party abuse, states that "Every person who has information, whether or not it is confidential or privileged, indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian shall forthwith report the information to an agency".

Section 33(1), states where child protection staff have reasonable and probable grounds to believe that a child is in need of protective services and the child's health or safety cannot be protected adequately otherwise than by taking the child into care, the agent may, at any time before or after an application to determine whether a child is in need of protective services has been commenced, without warrant or court order, take a child into care.

Section 33(2), states that a "Notice of Taking" will be served upon a parent or guardian upon taking a child into care.

REPORTING POLICIES AND PROCEDURES WHEN ALLEGED ABUSE OCCURRED OUTSIDE OF THE CHILD CARE SETTING:

Immediate Steps for All Staff When Reporting Suspected Abuse:

1. First and foremost, ensure the health and safety of the alleged victim.

2. The individual staff person who suspects the abuse or who has received the disclosure, shall fill out the "Child Abuse Report Form" (see Appendix I), accurately documenting the disclosure/allegation as soon as possible. Where a child has disclosed, use the child's own words. Record any other information that has led to the concerns for the child, such as the child's behaviour in your centre, the child's response to parent(s), the child's response to staff, the child's interaction with other children, observations of the child at play, etc. The information provided must be relevant, objective and accurate. Note: Please indicate whether child has aboriginal status. *{If the individual staff person is unsure whether the concern is reportable under the CHILDREN AND FAMILY SERVICES ACT he/she may dialogue/consult directly with the intake child welfare worker. A consult is not deemed to be a report unless the child abuse report form is completed and the identifying information therein is shared with the intake worker - the intake worker will confirm the status of the call as either a "consult" or a "reported referral". If the concern is not deemed to be reportable by the intake worker, the staff person will not complete the Child Abuse Report Form and will follow the centre's usual procedure for recording incidents. If the concern is deemed to be reportable, the following steps apply).*

3. (a) Telephone/inform the nearest Child Welfare Agency to report suspicion or disclosure of alleged abuse to the intake social worker (see Appendix III for list of agencies).

   (b) Provide the intake worker with the information as per the Child Abuse Report Form. Record the action the child protection worker said would occur. If this is not in keeping with this Protocol, tell the intake worker what steps you understand should be taken and ask why those procedures are not being followed in this case.

4. Immediately inform the child care director or his/her delegate that a report to the Child Welfare Agency has been made.

5. It is not the responsibility of the individual who made the report or the child care director to prove the allegations. Do not interview the child victim. This must be completed by the investigating team.

REPORTING POLICIES AND PROCEDURES WHEN ALLEGED ABUSE OCCURRED OUTSIDE OF THE CHILD CARE SETTING:

6. Forward a copy of the "Child Abuse Report Form" to the intake worker. The original form, and any other confidential notes related to the investigation, will be kept in a secure records file at the centre for a length of time specified by the Department of Community Services, based on the outcome of the investigation.

7. The intake/protection team and supervisor will assess the allegations to determine if there are grounds under the Children and Family Services Act to investigate. If there are no grounds to investigate, the Child Welfare Agency will contact and advise the referral source/child care director of that decision. *If the Child Welfare Agency is not going to proceed with an investigation, they may make recommendations for possible follow-up action by the child care centre, including what to tell the child/parents.

8. In the event that an investigation will occur, it is not the responsibility of centre staff to notify parents that a report has been made. The family and/or guardian of the child alleged to have been abused will be advised by the investigative team of actions that will be taken.

9. Where appropriate, the child will be informed of the referral process by the investigative team.

Follow-up to the Report:

10. In the interest of professional courtesy, the Child Welfare Agency is required to provide to the child care director a written acknowledgement of the report.

11. Response times for assessing allegations of abuse are dependent upon the level of risk and the nature of the allegation (see Appendix II). If there is reason to believe that there has been a criminal offense, a police officer may see and interview the child at the same time as the child protection worker. The child could be seen or interviewed by the child protection worker/investigative team within a range of 1 hour to 21 days of the report.

12. When a child protection investigation occurs, the child will be interviewed by the investigating authorities. This may or may not happen at the child care facility.

13. If the interview is going to take place in the child care setting, the child care director will be informed of who will be investigating and when. The centre will also be advised of whether

the referral source will be required to be present. The child care director will ensure the child protection worker has a copy of the Child Abuse Report Form and all other notes taken related to the allegation. If the investigators wish to interview the child on the premises:

(1) they will be required to present photo identification;
(2) the child care centre staff will provide the interviewer(s) with information on the child's developmental level, verbal ability, and comprehension;
(3) the investigative team will decide, after consultation with the child care director, whether it is appropriate for a trusted adult to be present with the child during the interview; and,
(4) the child care centre staff will introduce the child to the interviewer(s).

14. Child protection authorities will interview the child and proceed with the investigation according to the appropriate protocol.

15. In rare instances, it may be necessary to take a child directly into care from the child care centre. In this event, the child protection worker must serve official notice called "A Notice of Taking" and should present this official document to the child care director and show staff identification when undertaking an apprehension.

16. The investigating child protection worker, with input from the investigating agency team members, will make a decision regarding the elements of risk for the child. If the child's attendance at the centre will be affected, notification will be made to the child care director. If the child returns under the care of another individual, the child care director shall be informed of the guardian's name and relationship to the child by the Child Welfare Agency.

17. Information related to any child abuse allegation/investigation shall be kept confidential, not to be discussed with board of directors, staff members (not associated with the care of the child), parents, or members of the public. Child care practitioners working directly with the child may be given information on a need-to-know basis.

18. Depending on the nature of the investigation, the child protection team and child care director may consult on an ongoing basis. If court proceedings take place, the director or child care practitioner may be required to testify.

REPORTING POLICIES AND PROCEDURES WHEN ALLEGED ABUSE OCCURRED OUTSIDE OF THE CHILD CARE SETTING:

19. In all cases where a Child Welfare Agency accepts a referral for investigation, the agency will notify the Regional Child Welfare Specialist by completing and forwarding to the Specialist the *Child Welfare Specialist Report Form* found in Appendix IV of this document. In cases where consultation and direction is required regarding this Protocol:

    (a) staff of the child care centre will contact the local Child Welfare Agency;

    (b) child protection staff receiving the referral will contact the Regional Child Welfare Specialist.

REPORTING POLICIES AND PROCEDURES WHEN IT IS SUSPECTED THAT A STAFF PERSON, A CHILD CARE PRACTITIONER OR ANOTHER CHILD HAS PHYSICALLY, EMOTIONALLY, OR SEXUALLY ABUSED A CHILD (Section 25(1)(2) of the Children and Family Services Act)

Immediate Steps for All Staff:

1. First and foremost, ensure the health and safety of the alleged victim.

2. If the allegations are made by a parent, inform the parent of his/her duty to report directly to the Child Welfare Agency. Advise the parent that you are also obligated to make a report immediately.

3. The individual staff person who suspects the abuse or who has received the disclosure, shall fill out the "Child Abuse Report Form" (see Appendix I), accurately documenting the disclosure/allegation as soon as possible. Where a child has disclosed, use the child's own words. Record any other information that has led to the concerns for the child, such as the child's behaviour in your centre, the child's response to staff, the child's interaction with other children, observations of the child at play, etc. The information provided must be relevant, objective and accurate. Note: Please indicate whether child has aboriginal status.

4. (a) Telephone/inform the nearest Child Welfare Agency to report suspicion or disclosure of alleged abuse to the intake social worker (see Appendix III for list of agencies).

   (b) Provide the intake worker with the information as per the Child Abuse Report Form. Record the action the child protection worker said would occur. If this is not in keeping with this Protocol, tell the intake worker what steps you understand should be taken and ask why those procedures are not being followed in this case. For the purposes of this Protocol child protection authorities are required to provide written acknowledgement of the report to the individual making the referral.

   (c) If the individual staff person is unsure whether the concern is reportable under the CHILDREN AND FAMILY SERVICES ACT he/she may dialogue/consult directly with the intake child welfare worker. *A consult is not deemed to be a report unless the child abuse report form is completed and the identifying information therein is shared with the intake worker - the intake worker will confirm the status of the call*

as either a "consult" or a "reported referral". The caller will be required to state his/her name, the name of the child care centre, and as much detail as possible. It may well be that the consult is reportable, in which case, return to step 3.

5. Immediately inform the child care director or his/her delegate of the report made to the Child Welfare Agency. Accurately document the disclosure/allegations as soon as possible, no later than 24 hours following the disclosure/report. Ensure that a copy of the "Child Abuse Report Form" is forwarded to the intake worker. The original form, and any other confidential notes related to the investigation, will be kept in a secure records file for a length of time specified by the Department of Community Services, based on the outcome of the investigation.

6. Contact Early Childhood Development Services to notify them that a report has been made.

7. Where the allegation is against the child care director, the person who suspects the abuse or who has received the disclosure shall make the report, then notify the *Chair of the Board of Directors,* or the *Owner/Operator* that a report has been made. Where the child care director is the owner/operator the individual staff person shall call Early Childhood Development Services for direction.

8. Where the allegation is against another child, the director or his/her delegate shall take immediate and appropriate action to ensure that:
   - both the alleged victim and the alleged perpetrator are kept separate from each other;
   - each has appropriate support and supervision;
   - the alleged perpetrator shall be considered a child in need of treatment unless the police determine, in consultation with the Child Welfare Agency, that he/she be dealt with as a young offender.

In all cases, confidentiality must be maintained. Allegations must not be discussed with any individuals other than the child care director or his/her delegate or those involved in the investigative process.

Important Note: If, for whatever reason, the child care director or his/her delegate knows in advance of, and disagrees with, the child care practitioner's decision to report, the practitioner must

still exercise his/her responsibility to report the matter to the Child Welfare Agency. No individual will endure any sanctions against him/her for reporting an allegation in good faith, including compensation, tenure, promotion, discipline, alienation, etc. It is important to remember that the duty to report is only fulfilled when a report is made to a mandated Child Welfare Agency.

IMMEDIATE STEPS TO BE TAKEN BY THE *CHILD CARE DIRECTOR /DELEGATE* ONCE AN ALLEGATION OF CHILD ABUSE HAS BEEN MADE AGAINST A STAFF PERSON OR CHILD CARE PRACTITIONER AND THE REPORT IS MADE TO THE LOCAL CHILD WELFARE AGENCY (Section 25 [1] [2] of the Children and Family Services Act)

1. Ensure that appropriate steps and/or precautions have been taken to separate the alleged perpetrator from the children) according to the child care centre's Personnel Policy.

2. When a report is made, the first step in the process is an investigation. Once the Child Welfare Agency has been contacted they will notify and consult the appropriate police agency. A decision will be made regarding the most appropriate and effective means of investigation. It may be an investigation by the police or by both the police and the Child Welfare Agency.

3. It is not the responsibility of child care practitioners to notify parents that a report has been made. In all cases where an allegation has been made against a child care practitioner or a staff member of a child care program the referral will be considered as requiring a Priority I response (Appendix II). Therefore, the family and/or guardian of the child alleged to have been abused will be advised immediately by the investigating authorities of the allegation and of actions that are being taken.

4. It is not the responsibility of the child care director to prove the allegations. Do not interview the child victim. This must be completed by the investigating team.

5. Ensure that the details of the alleged abuse were documented on the "Child Abuse Report Form" and that the form was forwarded to the Child Welfare Agency.

6. Ensure that Early Childhood Development Services was notified to inform them that a report has been made against a centre staff person.

7. Advise the staff person that an allegation of physical, sexual, or emotional abuse has been made against him/her. However, his/her right to remain silent and not make a statement should be communicated to staff and not be interpreted as an indication of guilt.

IMMEDIATE STEPS TO BE TAKEN BY THE *CHILD CARE DIRECTOR /DELEGATE* ONCE AN ALLEGATION OF CHILD ABUSE HAS BEEN MADE AGAINST A STAFF PERSON OR CHILD CARE PRACTITIONER AND THE REPORT IS MADE TO THE LOCAL CHILD WELFARE AGENCY (Section 25 [1] [2] of the Children and Family Services Act)

8. Refrain from revealing details about the alleged incident to the accused individual. Do not disclose the identity of the victim. The police or investigative team will provide this information to the alleged perpetrator at the appropriate time.

9. Advise the alleged perpetrator that a report has been made to a Child Welfare Agency, and the police may be involved. Inform the person that the report must be made.

10. Advise the accused individual of his/her right to contact a lawyer and/or his/her union representative, if the centre is unionized.

11. Do not make promises that cannot be kept.

12. Remain objective. Do not take sides.

13. Advise the person of what action the child care facility is taking in accordance with those options outlined in the centre's Personnel Policy concerning the treatment of staff accused of child abuse.

14. Advise the person that employees found to have abused a child in their care will be subject to disciplinary action, possible criminal charges, as well as possible registration in the Provincial Child Abuse Register.

15. The child care director or his/her delegate will take reasonable steps to keep the accused informed of the outcome of the investigation as soon as possible. Response times for assessing allegations of abuse are dependent upon the level of risk and the nature of the allegation (see Appendix II). The child could be seen or interviewed by the child protection worker/investigation team within a range of 1 hour to 21 days of the report.

IMMEDIATE STEPS TO BE TAKEN BY THE CHILD CARE DIRECTOR /DELEGATE ONCE AN ALLEGATION OF CHILD ABUSE HAS BEEN MADE AGAINST A STAFF PERSON OR CHILD CARE PRACTITIONER AND THE REPORT IS MADE TO THE LOCAL CHILD WELFARE AGENCY (Section 25(1)(2) of the Children and Family Services Act)

Follow-up to the Report:

16. The investigating team will make the determination to follow up on the report. If the nature of the complaint is not considered to fall under the criminal code, and there will be no investigation, the reporting individual, the child care director, the parent of the child, and the child (where appropriate), will be informed by the investigating team that there are insufficient grounds to proceed and why. The investigating team will then notify in writing Early Childhood Development Services of the outcome. If there is reason to believe that there has been a criminal offense, that is where the allegation is of physical or sexual abuse, and a preliminary investigation takes place, a police officer may see and interview the child at the same time as the child protection worker. Where appropriate, the child will be informed by the investigating team of the steps that will be taken.

17. Cooperate with the local Child Welfare Agency and/or the police in their investigation of the matter, including provision of all relevant information or documentation, access to the alleged child victim or other staff, where necessary, and provision of interview space, if required.

18. Ensure that the suspected employee knows of his right to have legal representation throughout.

19. If following the report and preliminary investigation it is determined that there is reason to conduct a criminal investigation, the police will make the first contact with the accused person. Upon this initial contact, he or she will be informed of the right to consult a lawyer. (The Charter of Rights guarantees that citizens have the right to say nothing to the police, and the suspected person need not submit to an interview). From the beginning of the investigation, record every contact and conversation pertaining to the investigation. Include in your notes the time, date and details of all exchanges with investigators, board members and other employees. Be specific and accurate in these records. This information will be beneficial should legal proceedings take place.

IMMEDIATE STEPS TO BE TAKEN BY THE CHILD CARE DIRECTOR /DELEGATE ONCE AN ALLEGATION OF CHILD ABUSE HAS BEEN MADE AGAINST A STAFF PERSON OR CARE PRACTITIONER AND THE REPORT IS MADE TO THE LOCAL CHILD WELFARE AGENCY (Section (1)(2) of the Children and Family Services Act)

20. The child care director shall maintain the "Child Abuse Report Form" and all other notes related to the investigation in a secure records file separate from other program files and accessible only to the person who made the report and to the director (providing he/she is not the alleged perpetrator). This information shall be kept for such length of time as is recommended by the Department of Community Services, based on the outcome of the investigation.

21. Take every precaution to ensure that the confidentiality of the accused person and the alleged child victim are maintained only providing information on a 'need to know' basis or as required to maintain an orderly, therapeutic environment.

22. The investigating Child Welfare Agency will ensure that the alleged victim's parent(s), Early Childhood Development Services, and the director of the child care centre or his/her delegate are informed, in writing, of the outcome of the investigation.

23. In all cases where a Child Welfare Agency accepts a referral for investigation, they will notify the Regional Child Welfare Specialist by completing and forwarding to the Specialist the *Child Welfare Specialist Report Form* found in Appendix IV of this document.

In cases where consultation and direction is required regarding this Protocol:

(a) staff of the child care centre will contact the local Child Welfare Agency;

(b) child protection staff receiving the referral will contact the Regional Child Welfare Specialist.

APPENDIX I

CHILD ABUSE REPORT FORM - Page 1 of 4

Complete this form (4 pages), as fully as possible, before making a report. Some information will be noted when the report is made (page 3).

CONFIDENTIAL **Date of Report:** _____

Description of the incident/situation, including a statement of the behavioural and/or physical indicators of abuse. (If more space is needed, attach a separate page and indicate at bottom of these lines). Location on child, of physical indicators of abuse - use diagram of child (page 4 of Child Abuse Report Form).

CHILD ABUSE REPORT FORM - Page 2 of 4

Name of centre/program: _____

Date of the alleged abuse: _____

Name of the Child Welfare Agency: _____

Child's name: _____

Child's age: _____ Date of birth (m/d/y): _____

Sex: _____ male _____ female Does the child have aboriginal status? __yes ___no

Child's address (including postal code): _____

_____

Child's telephone number: _____

Name of parent(s)/guardian and relationship to child: _____

Name(s) of siblings (if applicable): _____

Name of alleged perpetrator: _____

Alleged perpetrator's relationship to child: _____

Address of alleged perpetrator (including postal code): _____

_____

Other information re: identification and location of alleged perpetrator:

_____

_____

Time child usually arrives at centre: _____ a.m./p.m.

Time child usually is picked up: _____ a.m./p.m.

CHILD ABUSE REPORT FORM - Page 3 of 4

CONFIDENTIAL

Was any other action taken by the person making this report? Yes _____ No _____

If yes, specify action: _____

_____

_____

Time and date of call to Children's Aid Society/Dept. of Community Services:

_____ am _____ pm _____ Date

Name of person spoken to: _____

Action child protection worker said will occur: _____

_____

_____

Who will contact the parent/guardian and when? _____

_____

What should the response be if the parent/guardian comes to pick up the child before they are contacted by the Child Welfare Agency and/or police?

_____

_____

Name of person making report: _____

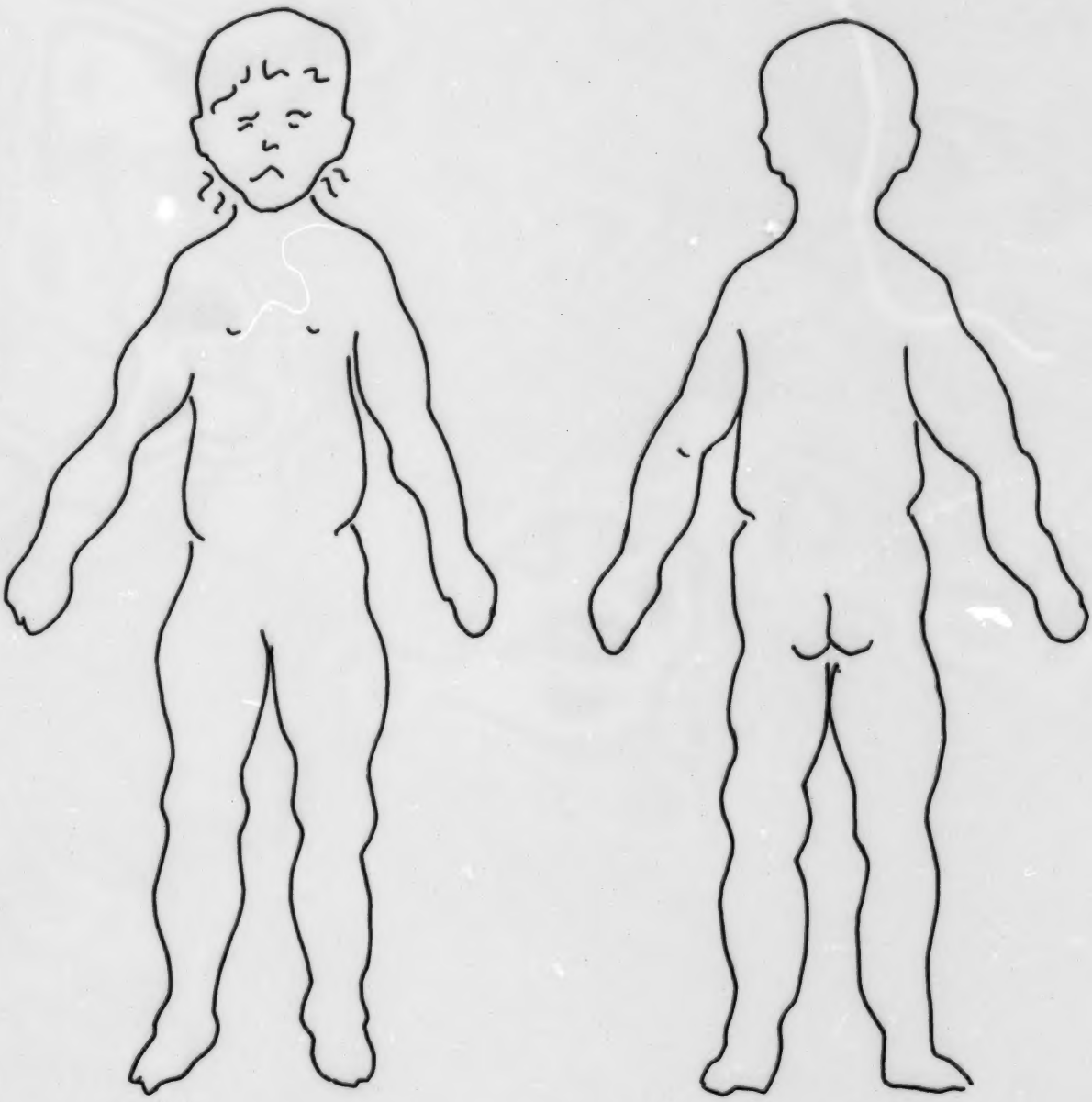
Position: _____

Signature of person making report: _____

Date _____ and time _____ a.m./p.m. centre director or delegate informed of report.
(This can only be completed after the report has been made.)

CHILD ABUSE REPORT FORM - Page 4 of 4
(Where applicable)

CONFIDENTIAL



PLEASE CIRCLE BRUISED OR INJURED AREA(S)

APPENDIX II

RESPONSE TIME TO CONDUCT INVESTIGATION

BASED ON LEVEL OF RISK

Priority I* High Risk: Life Threatening Situation ..... 1 Hour

Priority II High Risk: Dangerous but not Life Threatening ..... Same Day

Priority III Moderate Risk: Damaging but not Dangerous or Life Threatening ..... 2 Days

Priority IV & V Low Risk & No Risk ..... Beyond 2 Working Days and within 21 Days

* In all cases where an allegation has been made against a child care practitioner or a staff member of a child care program the referral will be considered as requiring a **Priority I** response.

APPENDIX III

CHILDREN'S AID SOCIETIES/ FAMILY & CHILDREN'S SERVICES AGENCIES/ DISTRICT OFFICES

Family and Children's Services of Annapolis County
P. O. Box 39
Municipal Building. St. George Street
Annapolis Royal, Nova Scotia
B0S 1A0

Phone: (902) 532-2337
Fax: (902) 532-5858

Children's Aid Society of Cape Breton Glace Bay Office
Senator's Place, 633 Main Street
Glace Bay, Nova Scotia
B1A 6J3

Phone: (902) 842-4010
Fax: (902) 842-4091

Children's Aid Society of Cape Breton North Sydney Office
265 Commercial Street
North Sydney, Nova Scotia
B2A 1B9

Phone: (902) 794-5100
Fax: (902) 794-5191

Children's Aid Society of Cape Breton Sydney Office
360 Prince Street, Suite 33, Provincial Building
Sydney, Nova Scotia
B1P 5L1

Phone: (902) 563-3400
Fax: (902) 563-3660

Children's Aid Society and Family Services of Colchester County
P. O. Box 950
60 Lorne Street
Truro, Nova Scotia
B2N 5G7

Phone: (902) 893-5950
Fax: (902) 893-5609

Family and Children's Services of Cumberland County
P. O. Box 399
24 Crescent Avenue
Amherst, Nova Scotia
B4H 3Z5

Phone: (902) 667-3336 or (902) 667-3337
Fax: (902) 667-1594

Children's Aid Society of Halifax
6009 Quinpool Rd., Willow Tree Tower
Halifax, Nova Scotia
B3K 5J7

Phone: (902) 425-5420
Fax: (902) 422-9424

Family and Children's Services of Hants County P. O. Box 99 1469 King Street Windsor, Nova Scotia B0N 2T0	Phone: Fax:	(902) 798-2289 (902) 798-3669
Children's Aid Society of Inverness-Richmond P. O. Box 359 Provincial Building, MacSween Street Port Hawkesbury, Nova Scotia B0E 2V0	Phone: Fax:	(902) 625-0660 (902) 625-4021
Family and Children's Services of Kings County 76 River Street Kentville, Nova Scotia B4N 1G9	Phone: Fax:	(902) 678-6176 (902) 679-0522
Family and Children's Services of Lunenburg County Provincial Building, Suite 105 99 High Street Bridgewater, Nova Scotia B4V 1V8	Phone: Fax:	(902) 543-4554 (902) 543-6186
Mi'kmaq Family and Children's Services of Nova Scotia P. O. Box 179 Shubenacadie Hants Co., Nova Scotia B0N 2H0	Phone: Fax:	(902) 758-3553 or 1-800-263-8686 (902) 758-2390
ESKASONI OFFICE: Eskasoni Cape Breton, Nova Scotia B0A 1J0	Phone: Fax:	(902) 379-2433 or 1-800-263-8300 (902) 379-2381

The Mi'kmaq Family and Children's Services of Nova Scotia provides child protection services to native children living on Reserves in Nova Scotia.

Children's Aid Society
of Pictou County
7 Campbell's Lane
New Glasgow, Nova Scotia
B2H 2H9

Phone: (902) 755-5950
Fax: (902) 755-7367

Family and Children's Services
of Queens County
P. O. Box 1360
123 Henry Hensey Drive
Liverpool, Nova Scotia
B0T 1K0

Phone: (902) 354-3525
Fax: (902) 354-7460

Children's Aid Society
of Shelburne County
P. O. Box 9
Administrative Centre
Barrington, Nova Scotia
B0W 1E0

Phone: (902) 637-2337
Fax: (902) 637-2137

Family and Children's Services
of Yarmouth County
10 Starr's Road
Yarmouth, Nova Scotia
B5A 2T1

Phone: (902) 742-0700
Fax: (902) 742-8945

DISTRICT OFFICES
DEPARTMENT OF COMMUNITY SERVICES

Antigonish District Office
Department of Community Services
325 Main Street, Federal Building, 2nd Floor
Antigonish, Nova Scotia
B2G 2C3

Phone: (902) 863-3213
Fax: (902) 863-7053

Dartmouth District Office
Department of Community Services
Suite 205, Dartmouth Professional Centre
277 Pleasant Street
Dartmouth, Nova Scotia
B2Y 4B7

Phone: (902) 424-3298
Fax: (902) 424-0625

Cole Harbour/Westphal/Preston District Office
Department of Community Services
3rd Floor Cole Harbour Place
51 Forest Hills Parkway, Box 1
Dartmouth, Nova Scotia
B2W 6C6

Phone: (902) 435-7472
Fax: (902) 462-5527

Digby District Office
Department of Community Services
P. O. Box 399
84 Warwick Street
Digby, Nova Scotia
B0V lA0

Phone: (902) 245-5811
Fax: (902) 245-4121

Guysborough District Office
Department of Community Services
P. O. Box 90, Provincial Bldg.l
Guysborough, Nova Scotia
B0H 1N0

Phone: (902) 533-4007
Fax: (902) 533-3822

Sackville District Office
Department of Community Services
Cobequid Multi-Service Centre
70 Memory Lane
Lower Sackville, Nova Scotia
B4C 2J3

Phone: (902) 869-3600
Fax: (902) 864-4669

APPENDIX IV

CHILD WELFARE SPECIALIST REPORT FORM

Name of the Child Welfare Agency: _____

Name of Child Care Centre/Program: _____

Date of the alleged abuse: _____

Child's name: _____

Child's age: _____ **Date of birth (m/d/y):** _____

Sex: male _____ **female** _____ **Does the child have aboriginal status?** _____ **yes** _____ **no**

Child's address (including postal code): _____

_____

Child's telephone number: _____

Name of parent(s)/guardian and relationship to child: _____

_____

Name(s) of siblings (if applicable): _____

Name of alleged perpetrator: _____

Alleged perpetrator's relationship to child: _____

Address of alleged perpetrator (including postal code): _____

_____

Other information re: identification and location of alleged perpetrator:

_____

_____

_____

_____